

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

DORIS STREET, Personal Representative of the Estate of CARL V. GLAZE, Deceased,)	Case No.: 4:09-cv-3191
)	
)	
)	
Plaintiff,)	
)	
vs.)	COMPLAINT
)	
UNITED STATES OF AMERICA- DEPARTMENT OF VETERANS AFFAIRS,)	
)	
)	
Defendant.)	

The Plaintiff, Doris Street, states as follows:

1. She is the sister of Carl V. Glaze, and Personal Representative of the Estate of Carl V. Glaze, having been by the County Court of Douglas County, Nebraska.
2. Jurisdiction in this matter is based upon 28 U.S.C. §1345(b) and 28 U.S.C. §§2671-2680, commonly known as the Federal Tort Claims Act.
3. As required by statute, Doris Street, initially presented her claim for personal injury and wrongful death damages on a Standard Form 95 with the Defendant by mailing her claim to the Department of Veterans Affairs, Office of General Counsel, 5631 South 48th St., Lincoln, NE 68516 on July 30, 2008. This claim was received on or about August 21, 2008, and was assigned the claim number GCL-657L-59784. A copy of the claim and acknowledgment and receipt thereof are attached hereto as Exhibit 1 and incorporated herein by reference.
4. That on March 10, 2009, the Department of Veterans Affairs sent Plaintiff notice that it had completed its investigation of the tort claim that had been filed on July 30, 2008, and that the claim was being denied. A copy of the denial is attached hereto as Exhibit 2 and incorporated herein by reference.
5. The Plaintiff, Doris Street, is a resident of Callaway, Custer County, Nebraska. On July 12, 2008, Carl V. Glaze died. At the time of death, Carl V. Glaze was a resident of York, York County, Nebraska, and a citizen of the United States. Further, at all times relevant to this action, the decedent, Carl V. Glaze, was not a member of the Armed Forces of the United States

of America.

6. Beginning July 1, 2008, Carl V. Glaze began receiving medical treatment and care from the Grand Island Veteran's Administration Hospital Nursing Home Care Unit. The Plaintiff advised all of the doctors and nurses, who would be providing treatment and care for Carl V. Glaze, that he was having problems standing, walking, and transferring from one place to the next. The Plaintiff cautioned said doctors and nurses not to allow Mr. Glaze to be standing alone. She also informed said doctors and nurses that Mr. Glaze had been falling down on a frequent basis and that he was definitely at risk for falling, if not assisted.

7. On July 3, 2008, a nurse, employed by the Grand Island Veterans Administration, assisted Mr. Glaze to the restroom in the Grand Island Veterans Administrative Hospital Nursing Home Care Unit. She closed the door to the room and the bathroom, leaving him unassisted. When she re-entered the room, she heard Mr. Glaze calling for help. When she opened the bathroom door, he was lying down in a pool of blood. Mr. Glaze was taken by ambulance to the St. Francis Medical Center and diagnosed with multiple head and facial lacerations, as well as a fractured neck at C5 and fractured nose. Thereafter, Mr. Glaze was paralyzed from the neck down, eventually resulting in his death on July 12, 2008.

8. The agents and employees of the Defendant, V.A. Medical Center, were negligent in their care and treatment of Carl V. Glaze in each and all the following respects:

- (a) Failing to physically assist Mr. Glaze in the bathroom, when they were put on notice that he was a fall risk and could not be left alone.
- (b) Leaving Mr. Glaze in the bathroom unattended and leaving the room.

9. As a direct and proximate result of the negligence of the agents and employees of the V.A. Medical Center, the Estate of Carl V. Glaze has incurred the following by way of damages:

- (a) Pain and suffering sustained by Carl V. Glaze from July 3, 2008, up until the time of his death on July 12, 2008.
- (b) Funeral and burial expenses.
- (c) Pecuniary losses sustained by the heirs and next of kin of Carl V. Glaze by way of financial support .
- (d) Loss of comfort, love, society, companionship, and affection.

WHEREFORE, the Plaintiff prays for judgement against the Defendant as follows:

- (a) For special damages, together with general damages in the amount of \$1,000,000.00 and for the cost of this action; and
- (b) For other damages that are reasonable and proper.

DATED this 8 day of September, 2009.

**DORIS STREET, Personal Representative of the
Estate of CARL V. GLAZE, Deceased**

BY:


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